

ESTTA Tracking number: **ESTTA675280**

Filing date: **06/01/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gucci America, Inc.		
Entity	Corporation	Citizenship	New York
Address	685 Fifth Avenue New York, NY 10022 UNITED STATES		
Attorney information	Andrea L. Calvaruso Kelley Drye & Warren LLP 101 Park Avenue New York, NY 10178 UNITED STATES trademarks@KelleyDrye.com Phone:2128087800		

Applicant Information

Application No	79156963	Publication date	05/12/2015
Opposition Filing Date	06/01/2015	Opposition Period Ends	06/11/2015
International Registration No.	1227671	International Registration Date	03/06/2014
Applicant	ISTANBUL ALTIN RAFINERISI ANONIM SIRKETI Kuyumcukent Sitesi TURKEY		

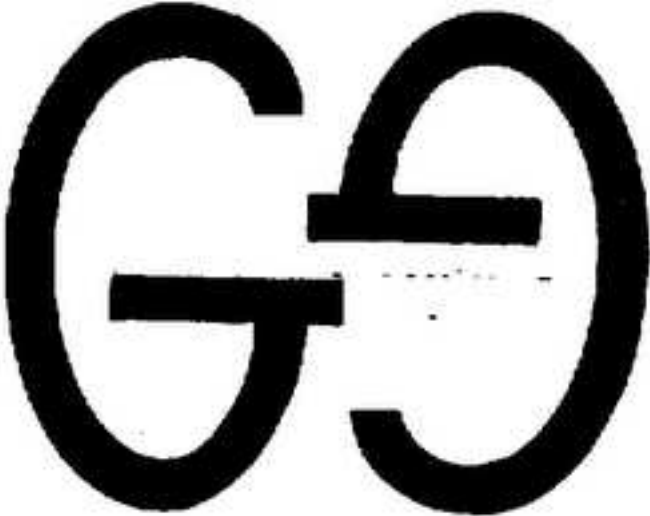
Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry made predominantly of gold; gold; gold bars; gold blanks, namely, gold discs, coins, tokens and medals
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Advertising, marketing and public relations services; organization of exhibitions and trade fair for commercial or advertising purposes; import and export agencies; business consultancy services relating to trading of industrial and commercial goods; organization of auction services; the bringing together, for the benefit of others, of jewelry items, namely, imitations, golds, precious stones and jewelry made of them, cufflinks, tie clips, sculptures and trinkets enabling customers to conveniently view and purchase those goods by means of electronic media or through mail order catalogues; retail store services featuring imitations, golds, precious stones and jewelry made of them, cufflinks, tie clips, sculptures and trinkets; wholesale store services featuring imitations, golds, precious stones and jewelry made of them, cufflinks, tie clips, sculptures and trinkets
Class 040. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Treatment of base materials; treatment of precious materials


Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1106722	Application Date	10/28/1977
Registration Date	11/21/1978	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1966/03/00 First Use In Commerce: 1966/03/00 NECKTIES, SCARVES, BELTS, FOOTWEAR, SHIRTS, SWEATERS, COATS, SUITS, [DRESSING GOWNS, HATS, SOCKS, DRESSES,] AND BATHING SUITS		

U.S. Registration No.	1107311	Application Date	10/28/1977
Registration Date	11/28/1978	Foreign Priority Date	NONE
Word Mark	GG		

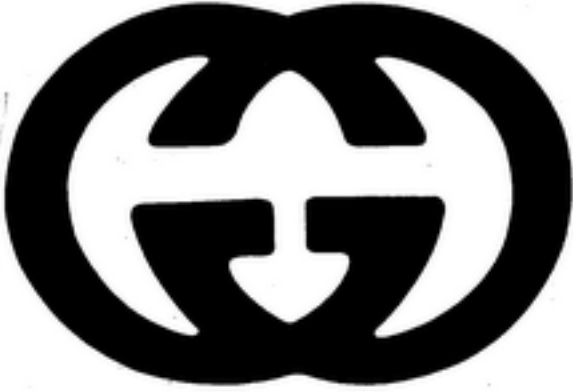
Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1966/03/00 First Use In Commerce: 1966/03/00 WALLETS, PURSES, HANDBAGS, SHOULDER BAGS, CLUTCH BAGS, TOTE BAGS, CARD CASES, PARTLY AND WHOLLY OF LEATHER, KEY CASES, PASSPORT CASES, COSMETIC CASES, ATTACHE CASES, VALISES, SUIT-CASES, DUFFLES, [NECKTIE CASES; UMBRELLAS, SADDLES, BRIDLES, WALKING STICKS, AND CANES]

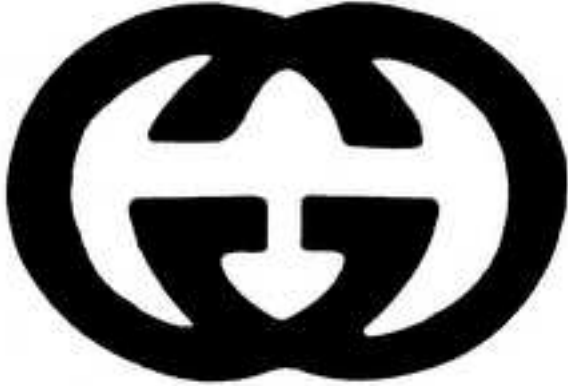
U.S. Registration No.	1107259	Application Date	10/28/1977
Registration Date	11/28/1978	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1966/03/00 First Use In Commerce: 1966/03/00 ADDRESS BOOKS, AGENDAS, NOTE BOOKS, PLAYING CARDS, STATIONERY, PENS, LETTER OPENERS, DESK PADS, INK BLOTTERS, BOOK ENDS, PAPER WEIGHTS, LETTER HOLDERS, BOOK COVERS, CARD CASES		

U.S. Registration No.	3378755	Application Date	09/13/2006
Registration Date	02/05/2008	Foreign Priority	NONE

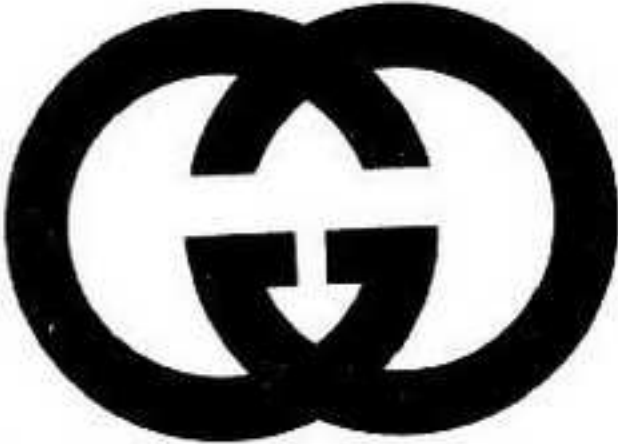
		Date	
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2001/08/00 First Use In Commerce: 2001/08/00 Eyeglass frames and sunglasses</p> <p>Class 014. First use: First Use: 2001/08/00 First Use In Commerce: 2001/08/00 Jewelry, watches [and clocks]</p> <p>Class 016. First use: First Use: 1966/03/00 First Use In Commerce: 1966/03/00 [Address books,] agendas, notebooks [, stationary in the form of writing paper and pens]</p> <p>Class 018. First use: First Use: 1966/03/00 First Use In Commerce: 1966/03/00 Wallets, purses, handbags, shoulder bags, clutch bags, tote bags, business cardcases, credit card cases, partly and wholly of leather, key cases, cosmetic cases sold empty, briefcases, attaché cases, valises, suitcases and duffles</p> <p>Class 025. First use: First Use: 1966/03/00 First Use In Commerce: 1966/03/00 Scarves, belts, footwear, shirts, sweaters, coats, suits [, dressing gowns and dresses]</p>		


U.S. Registration No.	1158170	Application Date	08/16/1978
Registration Date	06/23/1981	Foreign Priority Date	NONE
Word Mark	GG		

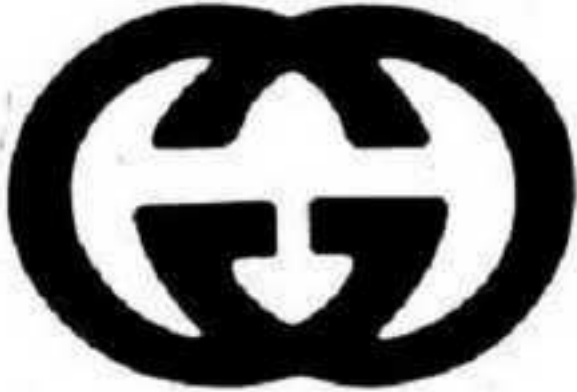
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1976/02/00 First Use In Commerce: 1976/04/00 Clothing-Namely, Neckties, Scarves, Belts, Footwear, Shirts, [Sweaters,] Coats,[Suits, Dressing Gowns,] Hats, [Socks,]Dresses, and Bathing Suits		


U.S. Registration No.	1464522	Application Date	12/15/1986
Registration Date	11/10/1987	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1976/03/00 First Use In Commerce: 1976/03/00 WATCHES, CUFFLINKS, MADE OR COATED WITHPRECIOUS METAL, BRACELETS, PENDANTS, EARRINGS, MADE OR COATED WITH PRE-CIOUS METALS, RINGS, AND NECKLACES		

U.S. Registration No.	3376129	Application Date	09/13/2006
Registration Date	01/29/2008	Foreign Priority	NONE


		Date	
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 2006/06/00 First Use In Commerce: 2006/06/00 [key rings made of metal, metal key rings covered in leather, and metal key rings partially covered with enamel]</p> <p>Class 018. First use: First Use: 1976/02/00 First Use In Commerce: 1976/02/00 Wallets, purses, handbags, shoulder bags, [clutch bags,] tote bags, business card cases, credit card cases, partly and wholly of leather, [key cases,] cosmetic cases sold empty, briefcases, attaché cases, valises, suitcases and duffles</p>		
U.S. Registration No.	3391739	Application Date	08/30/2007
Registration Date	03/04/2008	Foreign Priority Date	NONE
Word Mark	GG		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/11/00 First Use In Commerce: 2006/11/00 Eyeglass frames and sunglasses

U.S. Registration No.	4454342	Application Date	05/02/2013
Registration Date	12/24/2013	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	The mark consists of stylized letters "GG".		
Goods/Services	Class 035. First use: First Use: 1982/03/18 First Use In Commerce: 1982/03/18 Retail store services and online retailstore services featuring clothing, footwear, handbags, luggage, small leather goods, jewelry, watches, eyewear, fragrances, and accessories		


U.S. Registration No.	3039629	Application Date	11/17/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 footwear and belts		

U.S. Registration No.	3039630	Application Date	11/17/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	GG		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 wallets, purses, handbags, tote bags, business card cases, credit card cases and key cases, partly or wholly of leather

U.S. Registration No.	3039631	Application Date	11/17/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00		

	eyeglass frames and sunglasses
--	--------------------------------

U.S. Registration No.	3470140	Application Date	09/15/2006
Registration Date	07/22/2008	Foreign Priority Date	NONE
Word Mark	GG		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 metal key rings</p> <p>Class 014. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Jewelry, namely, earrings, pendants, rings, necklaces and watches; key rings of precious metal</p> <p>Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Apparel, namely, neckties, scarves, shirts, sweaters, coats, hats,[dressing gowns,] socks, dresses, bathing suits, andgloves</p>		

U.S. Registration No.	4407197	Application Date	05/02/2013
Registration Date	09/24/2013	Foreign Priority Date	NONE
Word Mark	GG		

Design Mark	
Description of Mark	The mark consists of stylized letters "GG".
Goods/Services	Class 035. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Retail store services and online retailstore services featuring clothing, footwear, handbags, luggage, small leather goods, jewelry, watches, eyewear, fragrances, and accessories

Attachments	73146455#TMSN.png(bytes) 73146457#TMSN.png(bytes) 73146459#TMSN.png(bytes) 78973737#TMSN.png(bytes) 73182270#TMSN.png(bytes) 73635535#TMSN.png(bytes) 78973795#TMSN.png(bytes) 77267948#TMSN.png(bytes) 85921508#TMSN.png(bytes) 76621229#TMSN.png(bytes) 76621230#TMSN.png(bytes) 76621231#TMSN.png(bytes) 77000202#TMSN.png(bytes) 85921527#TMSN.png(bytes) Notice of Opposition.pdf(34388 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrea L. Calvaruso/
Name	Andrea L. Calvaruso
Date	06/01/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD


IN THE MATTER OF TRADEMARK APPLICATION
SERIAL NO. 79/156,963 PUBLISHED IN THE
OFFICIAL GAZETTE ON MAY 12, 2015

MARK:  | GOLDGRAM

-----X		
GUCCI AMERICA, INC.	:	
	:	
Opposer,	:	
	:	
v.	:	<u>OPPOSITION NO.</u>
ISTANBUL ALTIN RAFINERISI	:	
ANONIM SIRKETI,	:	
	:	
Applicant.	:	
-----X		

NOTICE OF OPPOSITION

Gucci America, Inc. (“Opposer” or “Gucci”) is a corporation organized under the laws of New York with a principal place of business at 685 Fifth Avenue, New York, New York 10022.

Opposer believes it will be damaged by the registration of the mark  | GOLDGRAM (Applicant’s Mark”) for “Jewelry made predominantly of gold; gold; gold bars; gold blanks, namely, gold discs, coins, tokens and medals” in Class 14, for “Advertising, marketing and public relations services; organization of exhibitions and trade fair for commercial or advertising purposes; import and export agencies; business consultancy services relating to trading of industrial and commercial goods; organization of auction services; the bringing together, for the benefit of others, of jewelry items, namely, imitations, golds, precious stones and jewelry made

of them, cufflinks, tie clips, sculptures and trinkets enabling customers to conveniently view and purchase those goods by means of electronic media or through mail order catalogues; retail store services featuring imitations, golds, precious stones and jewelry made of them, cufflinks, tie clips, sculptures and trinkets; wholesale store services featuring imitations, golds, precious stones and jewelry made of them, cufflinks, tie clips, sculptures and trinkets” in Class 35, and for “Treatment of base materials; treatment of precious materials” in Class 40 (collectively, “Applicant’s Goods and Services”) covered by the above-identified application (the “Application”) and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is a leading designer, manufacturer and distributor of fine apparel, accessories, home products, fragrances, jewelry and many other categories of luxury goods and services.
2. Opposer is the exclusive owner of the world famous GUCCI mark and related iconic design marks in the United States (collectively, the “GUCCI Marks.”) The GUCCI Marks have been used in the United States since at least as early as the 1950’s in connection with the promotion and sale of fine apparel, accessories, home products, fragrances, jewelry and many other categories of luxury goods and services.
3. Since at least as early as 1966, Opposer has used the GG Design Mark depicted below in connection with the promotion and sale of a variety of goods and services, including but not limited to jewelry, watches, handbags, wallets and other small leather goods.



4. Opposer owns several U.S. trademark registrations for the GG Design Mark, including Registration Nos. 1,106,722, 1,107,311, 1,107,259 and 3,378,755. These registrations are valid and subsisting and have become incontestable pursuant to Section 15 of the Lanham Act.

5. Since at least as early as 1976, Opposer has used the Interlocking Facing GG Design Mark depicted below in connection with the promotion and sale of a variety of goods and services, including but not limited to jewelry, watches, handbags, wallets, suitcases, watches and jewelry.



6. Opposer owns many U.S. trademark registrations for the Interlocking Facing GG Design Mark, including Registration Nos. 1,158,170, 1,464,522, 3,376,129, 3,391,739 and 4,454,342. All these registrations are valid and subsisting and some have become incontestable pursuant to Section 15 of the Lanham Act.

7. Since at least as early as 2003, Opposer has used the Interlocking Non-Facing GG Design Mark depicted below in connection with the promotion and sale of a variety of goods and services, including but not limited to fine apparel, footwear, belts, handbags, wallets, suitcases, watches, jewelry, key rings, eyeglasses, sunglasses, automobiles, and retail store services.



6. Opposer owns several U.S. trademark registrations for the Interlocking Non-Facing GG Design Mark, including Registration Nos. 3,039,629, 3,039,630, 3,039,631, 3,470,140 and 4,407,197. All the registrations are valid and subsisting and most have become incontestable pursuant to Section 15 of the Lanham Act.

9. The GG Design Mark, Interlocking Facing GG Design Mark and Interlocking Non-Facing GG Design Mark are collectively referred to herein as the “GG Design Marks.”

10. Opposer widely advertises and promotes its goods and services throughout the world, including in the United States, by all means and types of media, including but not limited to newspapers and other major national print media, direct advertisement and the Internet. For many years, Opposer has spent millions of dollars to advertise and promote goods and services bearing its GG Design Marks. Opposer generates millions of dollars in revenue from the sale of goods bearing the GG Design Marks.

11. As a result of Opposer’s long standing use and extensive promotion, the GG Design Marks have become famous and are exclusively associated with Opposer by the consuming public, signifying goods and services of the highest quality. Opposer’s GG Design Marks became famous long before Applicant’s selection of Applicant’s Mark and long before Applicant’s March 6, 2014 filing date.

12. The GG Design Marks serve to distinguish products manufactured, approved or licensed by Opposer from those of others, and the GG Design Marks and goodwill associated therewith are of inestimable value to Opposer.

13. Applicant seeks to register the Applicant's Mark in connection with Applicant's Goods and Services. Opposer has priority of use over Applicant, whose filing date is long subsequent to Opposer's first use of the GG Design Marks.

14. Applicant's Mark is confusingly similar in appearance and commercial impression to Opposer's GG Design Marks. Applicant's Mark is used on goods and services that are identical or related to goods and services that Opposer promotes and sells in connection with the GG Design Marks, and, upon information and belief, the parties' goods and services will be marketed and sold through the same and/or similar channels of trade.

15. Registration and use of Applicant's Mark is likely to create confusion and deceive purchasers into believing that Applicant's Goods and Services originate with or are in some way sponsored, endorsed, licensed, associated or otherwise authorized or connected with Opposer. Such confusion would irreparably harm and damage the consuming public and Opposer because Opposer has no control over the nature or quality of the goods and services provided or produced by Applicant under Applicant's Mark.

16. Registration and use of Applicant's Mark is also likely to dilute the famous GG Design Marks as a source designation for Opposer's famous goods and services.

17. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's Mark.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that the registration of the mark  **GOLDGRAM** be refused.

Dated: June 1, 2015
New York, New York

Respectfully submitted,

KELLEY DRYE & WARREN LLP
Attorneys for Opposer

/Amy Gaven/

Andrea L. Calvaruso
Amy Gaven
101 Park Avenue
New York, NY 10178
(212) 808-7800

CERTIFICATE OF SERVICE

I, Amy Gaven, special counsel with Kelley Drye & Warren LLP, attorneys for Opposer Gucci America, Inc., hereby affirm under the penalties of perjury, that on June 1, 2015, I cause a true and correct copy of the foregoing Notice of Opposition to be served via first class mail, postage prepaid, upon Applicant and Applicant's attorney:

Istanbul Altin Rafinerisi Anonim Sirketi
Kuyumcukent Sitesi
Atolyeler Blogu 7
Nolu Buyuk Atolye Bod Rum
Zemin 1. Ve 2. Katlar
Yenisbona, Bahcelievler
Istanbul

John Alumit
Alumit IP
135 S. Jackson Street, Suite 200
Glendale, CA 91205

/Amy Gaven/
Amy Gaven